THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7272 OF 2006

05.06.2006

Between:

Chintapandu Komaraiah, S/o.Narasaiah

… Petitioner

AND

The Principal Secretary to Government of Andhra Pradesh,

Revenue Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

In brief, it is the case of the petitioner that he purchased land admeasuring Acs.2.16 guntas in survey No.183 situated at Bandampalli village of Peddapalli Mandal in Karimnagar District from Bashyam Purushothama Chary under registered document. Subsequent thereto, the petitioner allegedly approached revenue authorities and obtained necessary revenue records like pattadar passbook (PPB) and title deed. When the fifth respondent herein claiming to be the owner of the land proposed to conduct auction in July 2005, the petitioner filed a writ petition and obtained interim order, which enabled the fifth respondent to conduct auction but not to finalise the same. Be that as it is, the second respondent herein passed orders on 14.10.2004 pursuant to a report sent by the Mandal Revenue Officer, Peddapalli Mandal (MRO) on 16.7.2004 observing that the land in survey Nos.183 and 465 are inam lands of the fifth respondent-temple and further declaring that the PPBs issued in relation to the said land are invalid. Again, the second respondent issued proceedings on 13.3.2006 – which appears to be consequential proceedings; directing the third respondent to make necessary entries in the revenue records and issue PPB in favour of the fifth respondent. Aggrieved by the same, the present writ petition is

filed.

It is no doubt true that even if the land is inam land pertaining to a Wakf or a charitable or religious institution, though such land cannot be registered in the name of any private person as per Section 4 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity), before ordering alteration or amendment of entries, the competent authority could have issued a notice to the person in possession of the land. The petitioner alleges that he is in possession pursuant to the sale deed dated 26.2.2004. Though this ground in support of the writ petition is well taken, having regard to the nature of the order passed by the second respondent and having regard to Section 24 of the Act, this Court deems it proper to relegate the petitioner to appellate authority namely the Joint Collector, Karimnagar. The petitioner shall file appeal before the Joint Collector, Karimnagar within one week from the date of receipt of a copy of this order. As and when such appeal is filed, the same may be entertained and appropriate orders may be passed in accordance with Section 4 of the Act, after giving notice to the respondents.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO, J**)

June 05, 2006

Note:

Issue order copy by 12.06.2006.

(By order)

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